

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

RANDY COOPER,

Plaintiff,

v.

CIVIL ACTION NO. 5:06-cv-00241

CAPT. R. WILLIAMS, et al.,

Defendants.

**ORDER**

By Standing Order entered on March 31, 2006, this action was referred to United States Magistrate Judge Mary E. Stanley for submission of proposed findings and a recommendation [“PF&R”]. Magistrate Judge Stanley filed her PF&R on August 10, 2006 [Docket 7]. In that filing, the magistrate judge recommended that this Court (1) deny Plaintiff’s Application to Proceed Without Prepayment of Fees [Docket 1] (2) dismiss Plaintiff’s Complaint [Docket 2] under 28 U.S.C. § 1915(g) and the injunction of his initiation of further actions without payment of fees as issued in prior orders of this Court, and (3) remove this matter from the Court’s docket.

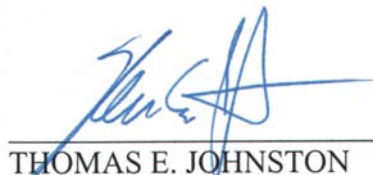
The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the Plaintiff’s right to appeal this Court’s Order. 28 U.S.C. § 636(b)(1); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge

Stanley's PF&R were due by August 25, 2006, pursuant to 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b). No objections have been filed.

Having reviewed the Proposed Findings and Recommendation filed by Magistrate Judge Stanley, the Court adopts the findings and recommendations contained therein. Accordingly, the Court hereby (1) **DENIES** Plaintiff's Application to Proceed Without Prepayment of Fees [Docket 1] (2) **DISMISSES** Plaintiff's Complaint [Docket 2], and (3) **DIRECTS** the Clerk to remove this action from the Court's active docket.

The Court **DIRECTS** the Clerk to send a copy of this Order to all counsel of record, Plaintiff, *pro se*, and Magistrate Judge Stanley.

ENTER: September 6, 2006

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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE